

Gary Kahn, OSB #81481  
gkahn@rke-law.com  
REEVES, KAHN & HENNESSY  
P.O. Box 86100  
4035 S.E. 52nd Avenue  
Portland, Oregon 97286-0100  
(503) 777-5473  
(503) 777-8566 FAX

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Erin Madden, OSB# 04468  
erin.madden@gmail.com  
CASCADIA LAW P.C.  
4803 SE Woodstock, #135  
Portland, OR 97206  
(503) 753-1310  
(503) 296-2973 FAX

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

FRIENDS OF THE COLUMBIA GORGE, INC.,  
an Oregon non-profit corporation,

Case No.: 07-1828-JE

Plaintiff,

STIPULATION OF SETTLEMENT  
AND DISMISSAL

v.

The BUREAU OF INDIAN AFFAIRS, an agency  
of the United States Department of Interior,

Defendant.

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WHEREAS the parties to this agreement are Friends of the Columbia Gorge, Inc.

(Friends) and the Bureau of Indian Affairs (BIA), and

WHEREAS, on December 14, 2007, Friends filed this action in the United States District

STIPULATION OF SETTLEMENT AND DISMISSAL

Court for the District of Oregon alleging that Defendant BIA violated the Freedom of Information Act, 5 U.S.C. § 552 et seq. (FOIA) and the Administrative Procedure Act, 5 U.S.C. § 701 et seq. by not responding to Friends' request for documents pursuant to the FOIA within the statutory deadlines imposed by that statute, and

WHEREAS, BIA has now disclosed to Friends' satisfaction copies of those records which were the subject of this action,

IT IS HEREBY STIPULATED by and between the parties, by and through their respective counsel as follows:

1. Upon approval of this Agreement by this Court, Plaintiff's Complaint shall be dismissed with prejudice pursuant to Fed. R. Civ. P. 41(a)(1), and that dismissal shall apply to and be binding upon the parties hereto and anyone acting on their behalf, including successors, employees, agents, elected and appointed officers and assigns.

2. Defendant BIA agrees to pay the reasonable costs and attorney fees incurred by Plaintiff in this action. Plaintiff shall be reimbursed for its costs in the amount of \$389.41. Further, Plaintiff shall be reimbursed for 59.13 hours of legal representation reasonably required to prosecute this action at the following reasonable hourly rates:

Erin Madden - \$205.00 (2007); \$220.00 (2008)  
Gary Kahn - \$325.00  
Nathan Baker - \$230.00 (2007); \$240.00 (2008)  
Rick Till (Law Clerk) - \$100.00

with \$13,414.50 being the total dollar amount of attorney fees to be reimbursed. The total aggregated costs and fees due to Plaintiff is \$13,803.91. Defendant shall make a good faith effort to make payment within 30 days after this stipulation is adopted by the Court. The fees and costs will be paid to Friends of the Columbia Gorge Inc. via Electronic Funds Transfer (EFT). The necessary information to complete the EFT was submitted to the BIA through its attorney on

July 17, 2008.

3. This agreement shall not constitute an admission of liability or fault on the part of the Defendant or its agents or employees.

4. No provision of this Agreement shall be interpreted as or constitute a commitment or requirement that the United States is obligated to pay funds in contravention of the Anti-Deficiency Act, 31 U.S.C. § 1341, or any other provisions of law.

5. Notwithstanding the dismissal of Plaintiffs' Complaint, the Court shall retain jurisdiction to oversee compliance with the terms of this Agreement to allow any party to enforce the terms of this Agreement.

6. The undersigned representatives of each party certify that they are fully authorized by the party they represent to agree to the Court's entry of the terms and conditions of this Agreement and do hereby agree to the terms herein.

7. The terms of this Agreement shall become effective upon entry of an order by the Court ratifying this Agreement.

DATED: July 21, 2008

s/ Erin Madden

Erin Madden, OSB #04468  
Cascadia Law P.C.  
4803 SE Woodstock, #135  
Portland, OR 97206  
(503) 753-1310

Of Attorneys for Plaintiff

s/ Kevin Danielson

Kevin Danielson, OSB #06586  
Assistant United States Attorney  
1000 SW Third Ave, Suite 600  
Portland, OR 97204  
(503) 727-1025

Attorney for Defendant

IT IS SO ORDERED

Date: July 21, 2008



JOHN JELDERKS

United States District Court Magistrate

STIPULATION OF SETTLEMENT AND DISMISSAL